

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES ARTHUR BIGGINS,	§	
	§	No. 734, 2009
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 9609015504
Appellee.	§	

Submitted: January 13, 2010

Decided: March 11, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 11th day of March 2010, having considered the appellant's opening brief and the State's motion to affirm, we have determined that the December 1, 2009 denial of postconviction relief should be affirmed. The Superior Court did not err when concluding that the appellant's fifth motion for postconviction relief was untimely, repetitive and procedurally defaulted without exception.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice